

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JIMMY ZAVALA,

Plaintiff,

v.

ORDER

J. WATERMAN, DEPUTY WARDEN WINKLESKI,
KARTMAN, MS. SUTTER, KOOL, ANDERSON,
NP MCARDLE, and L. ALSUM,

18-cv-331-jdp

Defendants.

Plaintiff Jimmy Zavala, appearing pro se, is an inmate at the Wisconsin Secure Program Facility. He brings this lawsuit against defendant prison officials who he says failed to properly treat him after he injured his back working at his prison job. This case was transferred from the District Court for the Eastern District of Wisconsin, which has already screened the complaint and allowed Zavala to proceed on Eighth Amendment and state-law negligence claims against defendants.

All of the defendants have been served, and seven of the eight defendants have answered the complaint. Defendant Sandra McArdle, who the state says worked for a private company contracted to provide medical services at the prison, has not. The clerk of court has entered default against her. Zavala has filed motions asking for the court to direct McArdle to file an answer or alternatively to enter default judgment. I cannot force McArdle to answer, so I will deny that motion. Barring McArdle's appearance and a showing of good cause, I will eventually enter default judgment against her. But there is no reason to hold a default judgment hearing now, while all of Zavala's other claims are pending. So I will stay a ruling on the default

judgment motion. After the other claims are resolved, I will set a hearing date on Zavala's motion.

ORDER

IT IS ORDERED that:

1. Plaintiff Jimmy Zavala's motion to direct defendant Sandra McArdle to file an answer, Dkt. 22, is DENIED.
2. A ruling on plaintiff's motion to enter default judgment against McArdle, Dkt. 21, is STAYED pending resolution of Zavala's other claims.

Entered June 21, 2018.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge